

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: January 16, 2008 (Regular Meeting) (tabled from March 5, 2008)

REPORT IN BRIEF: Council minutes from the January 16, 2008 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve the minutes.

Attachment(s): January 16, 2008 minutes

TOWN OF DAVIE
REGULAR MEETING
JANUARY 16, 2008

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. **ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, and Councilmembers Crowley, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

Mayor Truex announced that there was a request to table item 3.9 to February 6, 2008.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex stated there was a request to table item 3.10.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to table item 3.10 to February 6, 2008. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised there was a request to table item 5.1 to February 20, 2008.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced there was a request to table item 5.2 to February 20, 2008.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 9.1 regarding a vision/goal-setting workshop needed to be added.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to add item 9.1. In a voice vote, all voted in favor. (Motion carried 5-0)

3. **APPROVAL OF CONSENT AGENDA**

Minutes

- 3.1 December 5, 2007 (Regular Meeting)
- 3.2 December 17, 2007 (Workshop Meeting)

Resolutions

- 3.3 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN OF DAVIE AND MOORE, STEPHENS, LOVELACE, P.A. TO PREPARE, SOLICIT RESPONSES, AND REVIEW RESPONSES TO A REQUEST FOR PROPOSAL TO CONSIDER OUTSOURCING THE TECHNOLOGY INFORMATION MANAGEMENT SYSTEM DEPARTMENT AND PROVIDE AN EFFECTIVE DATE. (tabled from January 2, 2008)
 - 3.4 **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN BROWARD COUNTY, THE TOWN OF DAVIE, AND THE DEVELOPER (JAC F. BERMAN) FOR THE CONSTRUCTION OF ROAD IMPROVEMENTS RELATED TO THE RANCHO ALEGRE PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR
- R-2008-8

SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from January 2, 2008) (DA 11-1-06, Rancho Alegre, 2800 SW 148 Avenue) [see related items 3.5, 3.12]

3.5
R-2008-9 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS "RANCHO ALEGRE" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE (tabled from January 2, 2008) (P 11-2-06, Rancho Alegre, 2800 SW 148 Avenue) *Planning and Zoning Board recommended approval* [see related items 3.4, 3.12]

3.6
R-2008-10 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "HAN MI BAPTIST CHURCH" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (tabled from January 2, 2008) P 2-1-07, Han-Mi Baptist Church, 2150 Flamingo Road) *Planning and Zoning Board recommended approval* [see related item 3.13]

3.7
R-2008-11 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR THE "HIATUS ROAD AT 26TH STREET INTERSECTION IMPROVEMENTS. (Paving Company, Inc. - \$358,786.95)

3.8
R-2008-12 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN AND CAMP INTERGRATIONS LLP FOR USE OF ROBBINS LODGE AND BETTY BOOTH ROBERTS PARK POOL FOR A SPECIAL NEEDS CAMP; AND WAIVING RENTAL/USER FEES. (Robbins Lodge rental \$2,793.10; Betty Booth Roberts pool user fee \$30)

3.9 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "RIVIERA COMMERCIAL PARK NORTH," AND PROVIDING AN EFFECTIVE DATE. (DG 9-1-06, Doral Campus Office Park, generally located on the northeast corner of University Drive and NW 33rd Street)

3.10 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "THE PLAZA"; PROVIDING FOR THE MAYORS SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 10-1-07, The Plaza, 11400 State Road 84)

3.11
R-2008-13 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO AMEND THE NOTE ON THE PLAT KNOWN AS "YOUNG WORLD"; AND PROVIDING AN EFFECTIVE DATE. (DG 11-1-07, Young World Plat, 3301 S. University Drive)

Quasi-Judicial Consent Agenda

3.12 MSP 11-3-06, Rancho Alegre, 2800 SW 148 Avenue (A-1) (tabled from January 2, 2008) *Site Plan Committee recommended approval subject to adding a little more landscape materials such as under-story shrubs and flowers at the 150-foot entrance* [see related items 3.4, 3.5]

- 3.13 SP 2-6-07, Han-Mi Baptist Church, 2150 Flamingo Road (CF) (tabled from January 2, 2008) *Site Plan Committee recommended approval subject to the following changes to the design: 1) all handicapped spaces will be connected to the sidewalks; 2) the applicant will re-examine the radius of the porte-cochere driveway to determine if the radius could be tightened so that the west exit might potentially be moved further east and away from the exit of the property; 3) on the landscaping, the applicant will add three Fox-Tail Palms, at 20-foot height on the north end of the property near the building and increase the size of the four Fox-Tails shown on the east side of the building up to 20-feet; 4) most importantly, the applicant will delete the corrugated metal panels on the wedge raised portion of the roof elevation and replace it with glass and with actual louvers, not metal panels; and 5) the perimeter berm on the west side of the property shall be adjusted to be consistent with the perimeter berm of the adjacent property owner to the north [see related item 3.6]*

Councilmember Crowley pulled item 3.3 from the Consent Agenda.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the Consent Agenda less item 3.3. In a voice vote, all voted in favor. (Motion carried 5-0)

4. DISCUSSION OF CONSENT AGENDA ITEMS

3.3 Later in the meeting, Councilmember Crowley opposed this, believing it was a waste of \$17,000 to study a department with just eight employees. He wanted to maintain the staff they currently had in this department.

Councilmember Starkey wanted to proceed with this. She believed it would allow them to see how much money they could save, and how much more efficient they could be.

Assistant Town Administrator Ken Cohen explained that the consultant had indicated the Town could save approximately \$450,000 but staff had not been provided with backup to substantiate this savings. The department's budget was approximately \$1.5 million, a significant portion of which was hardware maintenance and software. Actual operating expenses for staff were approximately \$750,000.

Mayor Truex apologized to staff, saying he misunderstood some things they did and he had perhaps blamed them for some things that happened in the past for which they were not actually responsible. He felt "something is really rotten about this whole proposal" and the purported cost savings. Mayor Truex could not name one legitimate reason why this department should be singled out for outsourcing. He felt the Town's Technology and Information Management Department had responded when needed in emergencies.

Vice-Mayor Caletka said his intention was not to let employees go. He felt the Town could send out its own RFP to determine if there was a less expensive, more efficient way to perform the non-personnel services.

Mayor Truex felt Council should deny this request and ask staff to find ways to make the department more efficient.

Councilmember Luis believed this report could show them ways the IT department could become more efficient. This did not mean they would need to fire anyone.

Councilmember Crowley said the outsourcing being considered meant, "get rid of the existing employees and outsource and get...subcontractors." He wondered what department would be next, Public Works, Engineering, or Building.

Councilmember Starkey asked Mr. Shimun if the Town could create their own RFP. Mr. Shimun reminded Council of their fiduciary responsibility to the taxpayers to give them the best service at the lowest cost. He recommended going ahead with the study to see the results. Mr. Shimun stated the language could omit the word “outsourcing” and the study could be limited to efficiency. Mr. Cohen recommended if Council wished to perform an efficiency study, they should deny this item and staff would return with a different proposal.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a voice vote, with Mayor Truex, Vice-Mayor Caletka and Councilmember Crowley dissenting. (Motion failed 2-3)

Vice-Mayor Caletka made a motion, seconded by Mayor Truex, for staff to send out an RFP for an efficiency study to be performed on the IT department. In a voice vote, with Councilmember Crowley dissenting, all voted in favor. (Motion carried 4-1)

5. PUBLIC HEARING

Ordinances - Second and Final Reading

- 5.1 **CAPITAL PROJECTS AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2007 - 2011. {Approved on First Reading January 2, 2008. All voted in favor with Councilmember Starkey being absent}**

This item was tabled previously in the meeting.

- 5.2 **TEXT AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR ADOPTION TO THE DEPARTMENT OF COMMUNITY AFFAIRS, REVISED APPLICATION LA(TXT) 4-3-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY UPDATING THE CAPITAL IMPROVEMENTS ELEMENT WITH THE REVISED ADOPTED 5-YEAR CAPITAL PROJECTS PROGRAM FOR FY 2007-2011 PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading January 2, 2008. All voted in favor with Councilmember Starkey being absent}

This item was tabled previously in the meeting.

- 2008-2 5.3 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, DIVISION 6, TEMPORARY USE PERMIT PROCEDURE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading January 2, 2008. All voted in favor with Councilmember Starkey being absent}

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey made a motion seconded by Councilmember Crowley, to approve.

Acting Development Services Director Marcie Nolan requested that on page 242, under B, the third line down should read "any such request" instead of "any such approval."

Councilmember Starkey amended her motion to include Ms. Nolan's request, and Councilmember Crowley agreed. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinances - First Reading (Second and Final Reading to be held February 6, 2008)

- 5.4 **TEXT AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE III, BY ADDING THE FOLLOWING SECTIONS: 12-32.500 "RAC" REGIONAL ACTIVITY CENTER DISTRICTS, 12-32.501 INTRODUCTION, 12-32.502 TERMINOLOGY AND ABBREVIATIONS, 12-32.503 INTENT/PURPOSE, 12-32.504 APPLICABILITY, 12-32.505 TRANSIT-ORIENTED STREETS, 12-32.506 RAC DISTRICTS INTENT AND REQUIREMENTS, 12-32.507 PERMITTED USES, 12-32.508 COMPONENTS OF PLACE STREETS AND BLOCKS, 12-32.509 INTENSITY OF USE STANDARDS, 12-32.510 SITE DEVELOPMENT STANDARDS, 12-32.511 BUILDING FRONTAGE TYPES AND RIGHT-OF-WAY ENCROACHMENTS, 12-32.512 RULES OF TRANSITION, 12-32.513 USE OF PUBLIC RIGHT-OF-WAY, 12-32.514 MASSING AND ARTICULATION, 12-32.515 GENERAL PROVISIONS, 12-32.516 NONCONFORMITIES, 12-32.517 OFF-STREET PARKING REQUIREMENTS, 12-32.518 GENERAL OPEN SPACE PRINCIPLES AND REQUIREMENTS, 12-32.519 TYPES OF OPEN SPACES PRINCIPLES AND MINIMUM STANDARDS, 12-32.520 SIGNAGE REGULATIONS, 12-32.521 LANDSCAPING REQUIREMENTS AND GUIDELINES, 12-32.522 SITE PLAN PROCEDURES, 12-32.523 VARIATIONS IN DESIGN ADMINISTRATIVE RELIEF, 12-32.524 BUILDING DESIGN

GUIDELINES, 12-32.525 ADDITIONAL DESIGN GUIDELINES, 12-32.526 GREEN BUILDING, 12-32.527 DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 19, 2007)

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the February 6, 2008 meeting.

Mayor Truex opened the public hearing portion of the meeting.

Neal Kalis, representing N and D Holdings and Ariel Edelsburg, believed this was one of the most forward-thinking and positive things the Town had participated in in a long time. Mr. Kalis advised that the annexation preserved the existing zonings and his client had concerns with being able to continue with his business. He said they his client and the Town had created an agreement he hoped would be acceptable and asked that this be codified with of the rest text of the regulations. Mr. Kalis said they had negotiated two changes - to reduce the number of years the nonconforming use would be applicable from 50 to 30 and in the event of damage or destruction, they had agreed to the same percentage as was applicable to the other industrial uses in the nonconforming provision of the text.

Mayor Truex closed the public hearing portion of the meeting.

Mr. Rayson believed the Town would benefit in the long term by the concessions made by the property owner. He explained that this was a unique circumstance because of a State Statute. He stated that in the original annexation agreement, Mr. Kalis' client's uses were preserved as they were in Hacienda Village which conflicted starkly with the provisions in the Regional Activity Center (RAC). Mr. Rayson advised that Mr. Kalis accurately stated what was negotiated and Mr. Kalis' client agreed to be bound by the portions of the RAC regarding rebuilding after destruction through an Act of God, etc.

Mr. Kalis advised that part of the resolution he discussed with Mr. Rayson and staff included a vested rights agreement. Mr. Rayson explained that Mr. Kalis' client retained his current use for the next 30 years.

Councilmember Starkey stated that she had some concerns about whether she would continue to give a vested right of 30 years when there was a trigger with other agreements that gave five years with another five year renewal.

Mr. Rayson explained that this was a unique circumstance because of a State Statute and he knew of no other circumstance in the RAC; however, the RAC did recognize the enforcement of court ordered settlement or agreement. He recommended that Council approve the ordinance.

Mayor Truex reopened the public hearing.

Jeff Katims agreed that this was a unique circumstance and recognized that there were legal agreements that may take precedence. He stated that the compromise was reasonable that was made with the industrial properties west of Davie Road and north of Nova Drive was composed of old Town zoning. Mr. Katims indicated that the steering committee members would review the recommended changes prior to second reading of the ordinance.

Mayor Truex closed the public hearing.

Vice-Mayor Caletka stated that there was a similar property rights issue that came before Council that had to do with the Hacienda Village annexation and Council only gave that property owner 15 years. He asked Mr. Kalis if his client would be comfortable with 15 years. Mr. Kalis responded that this situation was different that his clients and

his client actually wanted a longer period of time but had negotiated from 50 years to 30 years. He hoped that Council would agree to the 30 years that was negotiated. Mr. Kalis added that his client would not agree to a 15 year vested rights.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve subject to the Town Attorney's recommendations on the Hacienda Village area. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 5.5 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE'S REGIONAL ACTIVITY CENTER (RAC) LAND USE CATEGORY WITH THE EXCEPTION OF THE REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT (RAC-AV) FROM THE FOLLOWING DISTRICTS: MEDIUM DENSITY (R-4A(OLD CODE)), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1 (OLD CODE)), MEDIUM INDUSTRIAL (M-2 (OLD CODE)), PLANNED INDUSTRIAL PARK (M-3 AND M-3 (OLD CODE)), LIMITED HEAVY INDUSTRIAL (M-4 (COUNTY)), BUSINESS PARK (BP), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMERCE CENTER (CC), MEDIUM INDUSTRIAL (M-2), CEMETERY DISTRICT (A-9 (COUNTY)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT WEST (RAC-RTW) FROM: MEDIUM-HIGH DENSITY DWELLING (RM-16), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMUNITY FACILITIES (CF), LOW DENSITY DWELLING (R-3), RECREATION AND OPEN SPACE (RS), AGRICULTURAL (A-1) TO: REGIONAL ACTIVITY CENTER-EDUCATIONAL DISTRICT (RAC-ED) FROM: NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), MEDIUM-HIGH DENSITY DWELLING (RM-16), HIGH DENSITY (RM-25 (COUNTY)), TRAILER PARK (T-1 (COUNTY)), AGRICULTURAL (A-1 (COUNTY)), (A-3 (COUNTY)), PLANNED INDUSTRIAL PARK (M-3), HEAVY INDUSTRIAL (M-3 (COUNTY) & M-3 (HAC VILL)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT EAST (RAC-RTE) FROM: UTILITIES (U), AGRICULTURAL (A-1), LOW DENSITY DWELLING (R-3), LOW MEDIUM DENSITY DWELLING (R-5), MEDIUM-HIGH DENSITY DWELLING (RM-16), COMMUNITY FACILITIES (CF), COMMUNITY BUSINESS (B-2), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1), MEDIUM INDUSTRIAL (M-2), RESIDENTIAL/OFFICE (RO), EASTSIDE NEIGHBORHOOD ZONING (ENSZD) TO: REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT LOW DENSITY (RAC-ND-2) AND REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT, MEDIUM DENSITY (RAC-ND-4) FROM: PLANNED RESIDENTIAL DISTRICT (PRD-20 AND PRD-22), MEDIUM DENSITY DWELLING (RM-10), MEDIUM-HIGH DENSITY DWELLING (RM-16), AGRICULTURAL (A-1), COMMUNITY FACILITIES (CF), RECREATION AND OPEN SPACE (RS), MEDIUM DENSITY (MH-10), GRIFFIN CORRIDOR DISTRICT (WGZ), GRIFFIN CORRIDOR DISTRICT (DZ), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3) TO: REGIONAL ACTIVITY CENTER-TOWN CENTER DISTRICT (RAC-TC); IN ACCORDANCE WITH THE ADOPTED REGIONAL ACTIVITY CENTER MASTERPLAN (#R-2006-155 AND R-2006-335); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 19, 2007)

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the February 6, 2008 meeting.

Mr. Rayson confirmed that the same conditions as item 5.4 would apply to this item.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve, subject to the same conditions as item 5.4. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

5.6 **EXISTING NONCONFORMING VEHICULAR ACCESSWAY** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PERTAINING TO THE SUBJECT OF WHETHER TO ALLOW THE CONTINUATION OF AN EXISTING NONCONFORMING VEHICULAR ACCESSWAY IN ACCORDANCE WITH THE PROCEDURES AND REQUIREMENTS CONTAINED IN SECTION 12-292(D), TOWN OF DAVIE CODE OF ORDINANCES; DESCRIBING THE LAND AFFECTED AS ALL OF TRACTS 55 AND 56, IN SECTION 11, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS LYING AND SITUATED IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA; THE EXISTING NONCONFORMING VEHICULAR ACCESSWAY BEING GENERALLY DESCRIBED AS THE 12400 THROUGH 12700 BLOCK OF SW 13TH STREET IN DAVIE, BROWARD COUNTY, FLORIDA; CONSIDERING THE APPROVAL IN CONNECTION THEREWITH OF A NON-EXCLUSIVE EASEMENT TO THE TOWN OF DAVIE FOR GOVERNMENTAL SERVICES AND A NON-EXCLUSIVE INGRESS/EGRESS LICENSE AND COVENANT TO CONVEY TO TOWN OF DAVIE; MAKING OTHER APPROPRIATE CONDITIONS IN CONNECTION WITH CONSIDERATION OF THIS MATTER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFORE. (tabled from January 2, 2008)

Earlier in the meeting, Mayor Truex announced that a public hearing on the ordinance would be held at the February 6, 2008 meeting. Mr. Rayson read the ordinance by title.

Ms. Nolan summarized the planning report.

Councilmember Starkey said that the residents raised issues that had not yet been addressed, and wanted the item tabled to obtain more information.

Mayor Truex opened the public hearing portion of the meeting.

Don Lunny, representing the owner, explained they had made a significant effort to perform neighborhood outreach. He described the history of the Rodriguez property and its current configuration, and how the Town's Code had changed in 2002, affecting all of the lots on the road. Mr. Lunny pleaded with Council to approve this as a non-conforming common driveway. He said if Fire Chief Joe Montopoli was not willing to approve this and determined it was unsafe, they would be forced to close the road and remove the bridge.

Mr. Rayson said there were three proposals and he felt the third option shared the cost burden between the public and the private landowners.

Michael Chiccone had two letters he received from the Town prior to building his home informing him that no road improvements would be necessary because his property

was zoned single-family. He later agreed to pay to pave the section of road in front of his property if the Town ever decided to pave the road.

Mr. Swenson said there was still confusion among residents as to what would be done and how it would affect them. He referred to a covenant stating the road would be 40 feet wide. Ms. Nolan explained that the non-conforming roadway ordinance allowed Council to approve something that did not meet the Land Development Code for the 40-foot right-of-way. Mr. Lunny said the documents to which Mr. Swenson referred were not binding. These were submitted regarding another proposal.

Mr. Swenson said the residents had been informed by Mr. Lunny that the Town could close the road due to safety concerns and asked if this was true. Mr. Rayson said this was private property, but a court could stop this. He noted there must be agreement among the residents on a resolution.

Anthony Nitti said residents had been engaged in the process until threats had been made. He remarked that residents had maintained the road for 20 years.

Mr. Rayson said the Fire Chief and Town Engineer had signed off on the third option, which was the least expensive. This would be \$100,000 divided among the homeowners.

Dr. Suzy Sarna was concerned that her property on 14th Street would be assessed but no improvements would be made. This would make it difficult to sell their property.

Tyler Sarna was concerned that some property owners would be exempt from paying the assessment because they donated property, leaving other property owners to contribute more.

Steve Rodriguez apologized to his neighbors and said his goal had been not to involve other neighbors or require anyone to contribute funds. He was willing to contribute property toward the road but did not want to contribute funds. He said Mr. Lunny had drafted the ordinance for the Town to resolve the matter without involving the neighbors.

George Smith agreed with Mr. Rayson's suggestion to use the third option.

Mayor Truex closed the public hearing portion of the meeting.

Vice-Mayor Caletka was alarmed that there could be a safety issue with the Fire Department. He noted that all of the options required the Town to contribute substantial sums of money and he felt it was in their best interest to grant a variance to leave the road as it was. Vice-Mayor Caletka acknowledged that there could be a liability, but pointed out that the Town was insured.

Councilmember Crowley noted that the Town had inherited this issue through annexation and wanted to resolve this matter tonight. He asked for Mr. Rayson's recommendation how to move this item forward.

Councilmember Starkey wanted all options to be thought through prior to making a decision. She wanted residents to be assured that the Town would not close the road due to safety reasons.

Councilmember Luis asked if there was sufficient turn-around space for a fire truck at the end of the street. Chief Montopoli said they must sit down and consider this, but the bigger issues were the bridge, the width of the road, the overgrowth, and a sufficient water source. Councilmember Luis agreed with Councilmember Starkey that they should gather more facts prior to making a decision.

Mr. Cohen advised that Council could approve this ordinance with or without conditions this evening and staff could review it before the second reading. Council could also table the item for the second reading.

Councilmember Starkey made a motion to table the item to the next meeting. The motion died for lack of a second.

Mayor Truex said he would vote against this. He explained, "If you live the way you've been living we ought not to hassle you, but if you change something, if you want to upgrade, or build a new house, then all that gets up for review." He noted that there was a different access way available for property owner's building new houses. Mayor Truex felt that Mr. Rodriguez should "just build this other driveway ... and the people who have been there ought to just continue to live the way they've been living."

Councilmember Starkey remembered that her original motion in August included the requirement for Mr. Rodriguez to collect signatures from neighborhood residents, but this had never happened. She did not believe the ordinance, in its present form, should be voted on.

Mr. Cohen advised Council that if they wanted to allow the roadway to stay as it was, they should approve the ordinance with no conditions. Mayor Truex believed denying this would require Mr. Rodriguez to build access to his property from the south.

Mr. Rayson felt there was a way to accommodate all interests and believed they were close to an agreement among all parties. He thought that if the residents were willing to donate property for the T-turnaround for the fire vehicles and the Town was willing to install the standpipes for the fire hydrants, the road did not need to be substantially changed. Mr. Rayson said his only question was whether Mr. Allen would donate the 10 feet needed to widen the driveway to 20 feet.

Councilmember Starkey reiterated that all of the residents must agree with this via a petition before Council voted.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to table this item to Council's second meeting in February [February 20, 2008].

Vice-Mayor Caletka did not favor tabling the item as he wanted to resolve this now by approving without conditions. They could add any changes recommended by staff at the next meeting.

Councilmember Starkey amended her motion to table the item to Council's next meeting [February 6, 2008].

In a voice vote, with Vice-Mayor Caletka and Councilmember Crowley dissenting, all voted in favor. (Motion carried 3-2)

Mr. Lunny announced he had a conflict with that Council meeting.

Councilmember Starkey made a motion, seconded by Councilmember Luis to reconsider. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Mayor Truex, to table the item to Council's second meeting in February [February 20, 2008].

In a voice vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - no; Councilmember Luis - no; Councilmember Starkey - yes. (Motion failed 2-3)

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve with no conditions and to hold a second reading on February 20, 2008.

Mr. Rayson said he would speak to Mr. Lunny, and provide notice to every resident on the street.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - no. (Motion carried 3-2)

- 5.7 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 25 OF THE TOWN CODE ENTITLED "UTILITIES", BY AMENDING SECTION 32 ENTITLED "WATER CONSERVATION" BY REVISING THE MONTHLY WATER RATE CHARGES AND BLOCK ADJUSTMENTS AND PROVIDING FOR YEAR ROUND WATER CONSERVATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the February 6, 2008 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 5.8 **BUDGET REVISION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2008.

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the February 6, 2008 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve.

Vice-Mayor Caletka remarked on the \$130,000 for attorneys regarding the airport expansion and he believed that this was an exercise in futility because the Broward County Commission had already made up its mind. He wanted to reconsider spending so much money on the airport attorneys.

Councilmember Crowley withdrew his motion. Mayor Truex refused to second the withdrawal of the motion.

Councilmember Starkey felt the expense was necessary and justified and that they should continue their effort. Mayor Truex did not believe this was a lost cause. He wanted the airport authorities to "answer the unanswerable questions up front." Mayor Truex believed that as long as there was a reasonable chance, they owed it to the residents to fight this.

Vice-Mayor Caletka noted how few Davie residents had shown up at the airport expansion meeting at the Convention Center, indicating a lack of residents' support for fighting the issue. Councilmember Luis stated he had received more calls opposed to spending any more money on this than supporting it.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - no; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 3-2)

6. APPOINTMENTS

6.1 Mayor Truex

- 6.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made

- 6.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made

6.2 Councilmember Crowley

- 6.2.1 Budget Advisory Board (one exclusive appointment - term expires April 2008) (members shall have experience in financial related occupation or similar skills)

No appointment was made

- 6.2.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made

- 6.2.3 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made

6.3 Councilmember Luis

- 6.3.1 Airport/Transportation Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made

6.4 Councilmember Starkey

- 6.4.1 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made

- 6.4.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made

- 6.4.3 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made

- 6.5 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager - both members shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointments were made

- 6.6 Police Pension Board (Ed Taylor as elected by the Police Pension Board)

Councilmember Crowley made a motion, seconded by Mayor Truex, to accept. In a voice vote, all voted in favor. (Motion carried 5-0)

7. OLD BUSINESS

- 7.1 Reconsideration of Trotter's Chase - Vice-Mayor Caletka (tabled from January 2, 2008)

Earlier in the meeting, Vice-Mayor Caletka requested the question be called and not debated and indicated that if Council voted to reconsider, they could then discuss it.

Councilmember Crowley said his issues could be resolved through the Engineering Department, so he would not favor reconsideration.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to reconsider. In a voice vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Caletka - yes; Councilmember Crowley - no; Councilmember Luis - no; Councilmember Starkey - no. (Motion failed 1-4)

- 7.2 Mobile Home Moratorium - John Rayson

Earlier in the meeting, Mr. Rayson reported that he had held a productive meeting with various stakeholders on this issue. He believed most of the eight proposals from the Mobile Home Task Force were legal and achievable, with the exception of linkage fees, which would require a needs assessment. Mr. Rayson explained that Broward County had conducted such a study and was considering a countywide linkage fee ordinance. If the Town wanted its own fee, Mr. Rayson believed it must conduct its own study.

Mr. Rayson asked Council for additional time and direction to draft the ordinance and recommended extending the moratorium for 90 days. He said Council could discuss a few of the items at each of their next few meetings.

Mr. Rayson cautioned that beyond one year, “the legal basis for moratoria is very shaky.” He explained that case law provided that if they were “actively working on a goal”, extensions had been allowed beyond one year. Mr. Rayson felt the 90-day extension was reasonable and legally sound and believed they could accomplish their goal of creating an ordinance within that time.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, for Mr. Rayson to create a resolution to extend the moratorium for 90 days past the February 21st deadline, to be put on Council’s next agenda.

Councilmember Luis agreed they should discuss one or two of the items at each meeting, as Mr. Rayson had recommended.

Vice-Mayor Caletka asked if any additional extensions would be possible. Mr. Rayson believed they could get it done within this 90-day extension. Vice-Mayor Caletka recommended allotting 60 to 90 minutes of each meeting to discuss the ordinance.

Councilmember Starkey asked for a draft ordinance within two weeks and felt this was possible since there was existing ordinance language from other municipalities that could be used. She asked Mr. Rayson when the County would complete its linkage fee study. Mr. Rayson believed the County study was complete.

Housing & Community Development Director Shirley Taylor-Prakelt confirmed the County study was complete. After five educational workshops, the matter would be taken to the County Commission in March. Ms. Taylor-Prakelt said she and the study consultant did not agree with Mr. Rayson that the Town must perform its own study. Ms. Taylor-Prakelt said she and Task Force members were concerned and wanted the moratorium extension be used to clarify the intent of the original moratorium. She reminded Council that some park owners had “used other opportunities to empty their mobile home parks under the guise of something other than rezoning for redevelopment.” Ms. Taylor-Prakelt insisted that the Town must protect the park residents immediately.

Mayor Truex opened the meeting to the public, with Vice-Mayor Caletka objecting.

Frank Serra, Chair of the Mobile Home Task Force, informed Council that the Task Force had recommended 26 goals, not 8 as Mr. Rayson had indicated. He asked when the other 18 points would be discussed and/or implemented.

Mitch Chester agreed with Mr. Rayson that their meeting had been very productive. He admitted that this was a very complex issue and the ordinance was not easy to create. Mr. Chester felt the highest priority was additional staffing for Ms. Taylor-Prakelt’s department. They must also provide local notice to park residents regarding their rights, allow for the creation of a default homeowners association, and require the development of exit plans. Mr. Chester said he and Mr. Serra were working on proposed revisions to Chapter 723 he hoped Council would endorse.

In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey wanted the critical items to be on the Council’s next meeting agenda. Mr. Rayson felt the priority ranking of the goals should be Council’s decision and he thought it advisable to consider the real fiscal impacts of the recommendations prior to enacting the ordinance.

Ms. Taylor-Prakelt summarized the critical tools the Task Force had recommended: affordable housing trust fund; inclusionary zoning ordinance; mandatory exit plans; and bonus densities for affordable housing. She said the exit plans and who would pay for them would generate the most debate.

Mayor Truex suggested a workshop to discuss the first four items. Mr. Muniz suggested January 30th at 7:00 p.m.

Councilmember Starkey made a motion, seconded by Councilmember Crowley to schedule a workshop on January 30 at 6:00 p.m. to discuss the top four items. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey requested that Council be presented with draft ordinances and supporting documents at the workshop. Vice-Mayor Caletka, Councilmember Crowley and Councilmember Luis wished to discuss what they thought should be included in the ordinance first.

7.3 MMM - High School - Mayor Truex

Earlier in the meeting, Mayor Truex advised that the Broward County School Board had asked for the Town's opinion on the Flamingo Road school site.

Tom Coates, Broward County School District Site Acquisition Director, wished the opportunity to present the School Board's list of benefits of using this site for the MMM school.

Joel Herbst, Broward County Schools Area Superintendent, described the benefits of locating a school at Flamingo Road and SW 22 Street. The school would include state-of-the-art equipment; it would provide room for future residential development without requiring mitigation; the recreational amenities could be shared with Town and local residents; and curriculum and programs could be developed that were of particular interest to area residents. Mr. Herbst warned that the students must be placed and if no site were found for a new school, the students would be placed in Plantation High School.

Mayor Truex believed that everyone wanted the best for their children and Council had a responsibility to cooperate with the County School Board, but he did not agree the Town was responsible for locating school sites for the County. He could not support the school site as he believed the nearby neighborhood would be severely, adversely affected. Mayor Truex recommended a resolution informing the School Board that the Council was not interested in using this site for the MMM school.

Councilmember Starkey stated that after studying the available information, she had found many problems with using this site and cited incompatibility and traffic concerns. She supported finding a site in the City of Weston.

Councilmember Luis would not support the MMM high school at this site, but would support a middle school at that location.

Vice-Mayor Caletka was disappointed that Superintendent Notter had not attended this evening. He did not want the Town to be punished with a boundary change in response to opposing this school site. Vice-Mayor Caletka did not wish to approve a resolution regarding this immediately.

Councilmember Crowley acknowledged that Council had responded to the wishes of the residents. He believed Nova High School should be for Davie students, not County students.

Councilmember Crowley made a motion, seconded by Mayor Truex, for Mr. Shimun to prepare a resolution for their next meeting denying this proposal.

Councilmember Starkey wanted to cite the specific reasons for the denial: the denial was in the best interest of the health, safety, and welfare of the Town's residents and the students of Broward County; the ingress and egress issues and insufficiencies of 26th Street; and water retention issues.

In a voice vote, with Vice-Mayor Caletka dissenting, all voted in favor. (Motion carried 4-1)

8. NEW BUSINESS

8.1 Salary Increase for Town Administrator

Vice-Mayor Caletka felt Mr. Shimun had done a good job and made positive changes in the Town. Since he was hired at a lower salary than the previous administrator, Vice-Mayor Caletka favored giving him a raise. Mr. Shimun clarified that his salary was higher than the previous administrator.

Councilmember Starkey noted that Mr. Shimun already received the same yearly raise as other employees, approximately 3%.

Mayor Truex said he would favor giving Mr. Shimun more than the 3% raise next year if two problems could be resolved: the permit backup problem and the slow-moving Code compliance process. Councilmember Crowley said he had heard the same complaints from residents.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to grant Mr. Shimun an additional 3% raise. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - no. (Motion carried 3-2)

9. SCHEDULE OF NEXT MEETING

9.1 Vision/Goal Setting Workshop

Council scheduled their Vision and Goal Setting session for February 28, 2008.

10. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR TRUEX

I-595 IMPROVEMENT MEETING. Mayor Truex announced that a meeting on the I-595 corridor improvement would be held on February 12th and asked if staff would attend.

CROSSWALK ON PINE ISLAND ROAD. Mayor Truex remembered discussing a crosswalk on Pine Island to the Publix shopping center. Councilmember Starkey recalled that the County had denied this request, saying it would be unsafe, and had bricked the median instead. Mayor Truex asked Mr. Shimun to look into this.

VICE MAYOR CALETKA

BROWN AND BROWN INSURANCE PRESENTATION. Vice-Mayor Caletka informed Council that Brown and Brown wished to give a presentation regarding saving money and asked staff to contact them to set this up.

BID FOR COUNTY COMMISSION SEAT. Vice-Mayor Caletka assured Council that his commitment to the Town Council was paramount. He would remain on the Council until at least the first meeting in November.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were made.

12. TOWN ATTORNEY'S COMMENTS

12.1 Litigation Report

No comments were made.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:43 p.m.

Approved_____

Mayor/Councilmember

Town Clerk